

Mr. President:

The Senate has recently passed S. 1438, a bill to protect the constitutional rights of Federal employees. I believe ⁵²their rights should be protected. I also believe that in accomplishing this objective we should be certain we are not impairing national security interests which are at least equally important.

One might conclude from the report on S. 1438 that the bill in its present form meets the needs of all of our security agencies such as the Central Intelligence Agency. This is not so. Even though the Senate has already approved S. 1438, I think it is important that the record reflect that the Director of Central Intelligence has, in most positive terms, stated his strong belief in the need for further relief from S. 1438 for the Central Intelligence Agency. I ask unanimous consent that his letter to this effect be inserted in the record at this point.

The Honorable Sam J. Ervin, Jr.
United States Senate
Washington, D. C. 20510

My dear Senator Ervin:

I have noted that on 1 April 1971 you introduced S. 1438, a bill "to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy," which is identical to S. 782 as it

passed the Senate last year. I am seriously concerned about the consequences of S. 1438 for the Central Intelligence Agency and urge your Subcommittee to grant this Agency a full exemption.

You will recall that in my testimony before your Subcommittee on 22 July 1969 I discussed the problems which S. 782 would pose for the CIA, and asked that the Agency be given the same full exemption from the bill as that accorded the Federal Bureau of Investigation. In response to your desire at that time, an attempt was made to draft alternative language which might alleviate certain difficulties which the original version created for this Agency. Some of this language was incorporated in S. 782 as it was reported by the Subcommittee and passed by the Senate. These changes, however, did not meet the Agency's needs.

Since that time we have continued our careful assessment of the impact of S. 782 as thus passed by the Senate and feel I must reaffirm my original position that, in the interest of national security, the CIA and its employees should be totally exempted from it.

The Office of Management and Budget advises that there is no objection to the submission of this report and that enactment of S. 1438 in its present form would not be consistent with the Administration's objectives.

Sincerely,

(signed)
Richard Helms
Director

It is my understanding that a bill similar to S. 1438 is now pending before committee in the House. I understand that that bill contains provisions which meet the needs of agencies such as CIA. I would hope that these provisions would be sustained in the House and in conference committee so that we would not have the potential conflict that now exists in the Senate passed bill.